

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK (MANHATTAN)

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Chapter - 11

In Re:

Case No. 15-12766 (MG)

PASTA BAR BY SCOTTO II, LLC,
d/b/a VA PRESTO,

REPLY AFFIDAVIT IN
SUPPORT OF LANDLORD'S
MOTION TO VACATE THE
AUTOMATIC STAY

Debtor.

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STATE OF NEW YORK)
)ss:
COUNTY OF NEW YORK)

Jeffrey C. Chancas, being duly sworn deposes and says:

1. I am a member of the firm of Borah, Goldstein, Altschuler, Nahins
& Goidel, P.C., the attorneys for Landlord.

2. I submit this reply affidavit in further support of Landlord's Motion
to Vacate the Automatic Stay (the "Motion").

3. I am fully familiar with the facts and circumstances set forth
herein.

4. Debtor is asking for an extension of time to pay its post-petition
rent until December 11, 2015, solely based upon the vague and speculative letter of
Branded Hospitality "to infuse several hundreds of thousands of dollars of new capital
into Va Presto by Scotto LLC in order to rebrand the restaurant and cure rental
arrears; even this amount may be insufficient to cure Debtor's default and rebrand the

restaurant.

5. As stated in the Motion, the current monthly base rent charge for the Premises is \$75,000.00.

6. Debtor has failed to pay pre-petition rent and additional rent and/or use and occupancy charges (exclusive of legal fees) through October 11, 2015 in the amount of \$382,903.88.

7. In addition, Debtor has failed to pay post-petition use and occupancy charges for the period October 12-31, 2015, and for the month of November 2015 (exclusive of legal fees), in the amount of \$124,469.42, which will have risen to \$199,469.42 by December 11, 2015.

8. There is now due and owing a total amount of pre-petition rent and additional rent, and post-petition use and occupancy charges (exclusive of legal fees) for the Premises in the amount of \$507,373.30. (See **Exhibit B** to the Motion.)

9. By December 11, 2015, that amount will have risen to at least \$582,373.30.

10. There is absolutely no reason that only the Landlord should be suffering this prejudice in its own ability to pay its mortgage, taxes and other expenses related to the building.

11. If Debtor is currently operating its business and the prospective investor wants an additional three (3) weeks to make a decision, Debtor should have

called upon the investor to pay the post-petition use and occupancy and keep it current.

12. Throughout the Summary Proceeding, Landlord gave the Debtor many opportunities to cure its defaults via generous payout plans, none of which proved fruitful.

13. Landlord has a prospective tenant ready, willing and able to lease the Premises; but for the last minute filing by Debtor, Landlord would have able to proceed.

14. Landlord is being severely prejudiced by its inability to recover possession of the Premises and the past due rent.

15. For the foregoing reasons and those stated in the Motion, the automatic stay should be vacated.

WHEREFORE, I respectfully request that the Court grant Landlord's Motion in its entirety and grant Landlord such other and further relief as this Court may deem just, proper and equitable under the circumstances.


JEFFREY C. CHANCAS

Sworn to before me this
18th day of November, 2015


NOTARY PUBLIC

NORMA CORTES
Commissioner of Deeds
City of New York - No. 1-7094
Certificate Filed in New York County
Commission Expires June 1, 2016

3

BORAH,
GOLDSTEIN,
ALTSCHULER,
NAHINS &
GOIDEL, P.C.
377 BROADWAY
NY, NY 10013-3993
(212) 431-1300

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